

REMARKS

The office action of October 3, 2003, has been carefully considered.

It is noted that claims 1 and 14-20 are rejected under 35 U.S.C. 112, second paragraph.

Claims 17-20 are rejected under 35 U.S.C. 101.

Claims 1-20 are rejected under 35 U.S.C. 103(a) over the patent to Beisel.

In view of the Examiner's rejections of the claims, applicant has canceled claims 1-20 and added new claims 21-38.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has drafted the new claims keeping in mind the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1 and 14-20 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

With the cancellation of claims 17-20 it is further respectfully submitted that the rejection of these claims under 35 U.S.C. 101 is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the methods disclosed in the reference.

Turning now to the reference, it can be seen that Beisel discloses a composition with release-controlling action. The patent has the objective, as mentioned at column 2, lines 50-53, of achieving "distribution of the released active substances over an area as large as possible in the gastrointestinal tract." This is completely the opposite of the composition produced by the method claims presently on file. The present claims produce a composition having compounds selected and combined so that the release of the material is controlled by the timed and localized

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dissolution of the compound so as to achieve targeted release of the material in the intestine. There is no teaching by Beisel of a method for producing such a composition, as recited in the claims presently on file.

In view of these considerations it is respectfully submitted that the rejection of claims 1-20 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 5, 2004.

By: 
Klaus P. Stoffel

Date: January 5, 2004